

AMENDMENTS

Claims 1-11 are pending.

Claims 10-11 have been added.

Claims 1 and 9 have been amended.

Support for the amendments is found in the claims and specification (e.g., page 3, claim 1, and Table 1, Example 4), as originally filed.

No new matter is believed to have been added.

REMARKS/ARGUMENTS

Applicants wish to thank Examiners Nguyen and Wu for a discussion on July 7, 2009. The undersigned representative explained differences between the claimed compositions and the disclosure of the cited references. A ratio of A/B and various high betaines v. trimethylglycine were discussed.

The claimed composition of claim 1 comprises an anionic surfactant (A) and trimethylglycine (B), wherein a weight ratio of A/B is from 1/3.5 to 4/1 and the pH is from 2 to 6.5, wherein the anionic surfactant is at least one selected from the group of alkenyl ether sulfates, ether carboxylate surfactants, amide ether carboxylate surfactants, N-acylamino-acid salt surfactants, polyoxyalkylene fatty acid amide ether sulfates, and N-alkylamide alkanol sulfates. The claimed composition of claims 8 and 9 is further limited to a pH 5-6.4. The amounts of an anionic surfactant (A) and trimethylglycine (B) of claim 9 is further limited to from 5 to 40 wt.% and from 0.1 to 40 wt.%, respectively.

The claimed composition has an excellent stability, moisturizes the skin, gives neither a taut feeling or the dry skin, enables smooth finger-combing and does not give a rough feeling to the hair after shampooing (page 2 of the present specification and the Examples).

Claims 1-9 are rejected as obvious over Tomarchio et al., US 2003/0019508 and

Klisch et al., US 4,554,098. The rejection is traversed because the combination of the references does not describe or suggest:

(1) a detergent composition comprising the anionic surfactant selected from the group of alkenyl ether sulfates, ether carboxylate surfactants, amide ether carboxylate surfactants, N-acylamino-acid salt surfactants, polyoxyalkylene fatty acid amide ether sulfates, and N-alkylamide alkanol sulfates; and

(2) selecting a composition comprising the claimed anionic surfactant (A), trimethylglycine (B) and the claimed ratio of A/B from the unlimited number of possible variations described in the cited references.

(3) One would not have reasonably expected that modifying the composition of Tomarchio et al. with the ration of Klisch et al. would have provided the claimed detergent composition.

Tomarchio et al. describe printed wet wipes impregnated with a composition comprising a surfactant system with at least three surfactants, e.g., an anionic, nonionic, and an amphoteric and/or zwitterionic surfactants ([0058]). A large list of possible anionic surfactants is described in paragraphs [0060]-[0073]. Tomarchio et al. describes various zwitterionic surfactants including glycine betaine (trimethylglycine) ([0088]).

Although Tomarchio et al. *generally* describe that the impregnating liquid may comprises an anionic surfactant, trimethylglycine, and an additional surfactant, Tomarchio et al. do not describe *selecting* a composition comprising the claimed anionic surfactant, the claimed ratio (A)/(B) and the claimed content of the anionic surfactant from 5-40 wt. % (as in claims 8-9). Moreover, although the working examples of Tomarchio et al. comprise the amounts within the claimed range, Tomarchio et al. do not describe a single example comprising the components (A) and (B), or (A), (B), and (C) within the claimed amount of the components and the claimed ratio of (A)/(B). For example, Tomarchio et al. describe a

composition comprising 0.6 wt. % of an anionic surfactant (branched C8 alkyl sulphate), 0.2 wt. % of C₁₂₋₁₄ betaine (which is not trimethylglycine) and 0.2 wt. % of C₁₀ amine oxide (a table on page 12). Also, the Example of the last column of Table on page 12 comprises 0.2 wt.% of C₁₀ amine oxide (an additional surfactant) but does not comprise betaine.

The Examiner has relied on Klisch et al. for the missing limitations.

Klisch et al. describe a high-foaming liquid detergent composition with a reduced detergent irritation effect on the skin (col. 1, lines 5-15). The Klisch et al. detergent comprises (i) 8-30 % of an alkyl ether sulfate primary detergent (an anionic surfactant as in claim 2), (ii) 1-12 % of a supplemental anionic detergent which is more irritating than the primary detergent (i) and is a non-soap anionic detergent, (iii) 1-8 % of a zwitterionic detergent, and (iv) 1-8 % of an alkanoamide (see col. 3-6). A ratio of the primary detergent to the supplemental detergent is 1:1 to 20:1 (a ratio (a)) (col. 4, lines 2-7) and a ratio of the zwitterionic detergent to the supplemental detergent is 2:1-1:3 (a ratio (b)) (col. 6, lines 25-26).

With regard to Klisch et al.'s ratio of an anionic surfactant to a zwitterionic detergent, the Examiners alleged during the discussion of July 7, 2009 that the supplemental detergent can be the same alkyl ether sulfate as in the primary alkyl ether sulfate (col. 3, lines 8-14; col. 3, lines 41-59; col. 4, lines 36-41) and, therefore, the Klisch et al. composition might comprise, for example, 8% of the primary alkyl ether sulfate (col. 3, lines 58-59), 8% of the supplemental alkyl ether sulfate (col. 3, lines 61-62), and 8% of a zwitterionic detergent (col. 6, lines 19-21). Then a ratio of the total alkyl ether sulfate (an anionic surfactant) to the zwitterionic detergent (e.g., betaine) might be 2/1, i.e., within the claimed range.

In response, it is noted that the Examiner here has made a case for the patentability of the Applicants' invention by *multiple progressions* for the teachings of the cited references to *reengineer* the claimed invention.

Specifically, first, one have to select the same supplemental and primary detergents from a large list (col. 3-5) of possible anionic detergents of Klisch et al.

Second, one have to select specific content of the supplemental and primary detergents and the zwitterionic detergent so that a ratio of the total anionic surfactant to the zwitterionic detergent falls within the claimed range.

Third, one have to select trimethylglycine from a list of possible zwitterionic surfactants in Tomarchio et al.

Fourth, one have to substitute high betaine compounds in the Klisch et al. ratio with trimethylglycine so that to use the Klisch et al. ratio in the Tomarchio et al. wet wipes.

Surely, the Examiner will recognize that the subject matter of the Applicants claims has been reconstructed based on impermissible hindsight.

Moreover, Klisch et al. do not suggest *selecting* the same supplemental and primary detergents as in claims 1 and 9 and the claimed ratio A/B.

Further, the Examiner has alleged that because Tomarchio et al. describe that glycine betaine (trimethylglycine) and high betaine compounds can be used interchangeably [*assertion (i)*] (see col. 5, line 60 to col. 6, line 5, of Klisch et al. and paragraphs [0086]-[0087] of Tomarchio et al.), using the ratio 2:1-1:3 of Klisch et al. in the composition of Tomarchio et al. is obvious. The Examiner pointed out that using the same amount of trimethylglycine instead of high betaines (Table on page 12) is also obvious because “the backbone” of trimethylglycine and lauryldimethylammoniacetate is the same and they are both zwitterionic surfactants [*assertion (ii)*]. The Examiner then goes on to speculate that one would have been motivated to use the same amount and the ratio as described for high betaines (e.g., lauryldimethylammoniacetate or C₁₂₋₁₄ betaines) base on the assertions (i) and (ii).

In response, it is noted that although trimethylglycine and high betaines comprise N⁺ (R, R1, R2)-R3X00- motif, in trimethylglycine R, R1, and R2 are methyl groups, while in high betaines R can be, for example, C₈-C₁₈ alkyl (see Klisch et al.'s abstract). The properties of different betaines are not necessarily the same and it may be necessary to use a different amount and/or a different kind of betaines depending on the goal to be achieved.

In addition, one would not have been motivated to modify the Tomarchio et al. composition for impregnating *printed* wet wipes with the components and ratios of Klisch et al. because the Klisch et al. composition is adjusted for a *high-foaming liquid detergent* and it may not be desirable to have a high-foaming wet wipes and, in addition, the modified composition does not necessarily produce wipes that do not bleed ink used for printing on the wipes (the goal of Tomarchio et al. is to provide a composition that does not cause ink bleeding ([0024])).

Concerning claim 9, the Examiner has alleged that because trimethylglycine and Klisch et al.'s high betaines are similar, one would have been motivated to substitute the high betaines for trimethylglycine of Tomarchio et al. with a reasonable expectation of success.

However, the composition of Klisch et al. comprising trimethylglycine (instead of high zwitterions expressly suggested by Klisch et al., e.g., wherein R is C₈-C₁₈ alkyl or C₈-C₁₈ alkanoloamido alkyl, col. 6, lines 1-5) does not necessarily result in a high-foaming liquid detergent because different betaines do not necessarily have the same properties.

Thus, Tomarchio et al. and Klisch et al. do not make the claimed detergent composition obvious.

Applicants request that the rejection be withdrawn.

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A Notice of Allowance for all pending claims is requested.

Respectfully submitted,

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